

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

EIGHT MILE STYLE, LLC and  
MARTIN AFFILIATED, LLC  
Plaintiffs,

vs

APPLE COMPUTER, INC. and  
INTERVENOR AFTERMATH RECORDS  
d/b/a AFTERMATH ENTERTAINMENT,  
Defendants.

Case No. 2:07-cv-13164  
Hon. Anna Diggs Taylor

---

Richard S. Busch (TN BRP#14594)  
King & Ballow  
1100 Union Street Plaza  
315 Union Street  
Nashville, TN 37201  
(615) 259-3456  
[rbusch@kingballow.com](mailto:rbusch@kingballow.com)  
Attorneys for Plaintiffs

Kelly M. Klaus  
Munger, Tolles & Olson, LLP  
355 South Grand Avenue, #3500  
Los Angeles, CA 90071-1560  
(213) 683-9238  
[kelly.klaus@mto.com](mailto:kelly.klaus@mto.com)  
Attorneys for Defendants

Howard Hertz (P26653)  
Jay G. Yasso (P45484)  
Hertz Schram PC  
1760 South Telegraph Road, #300  
Bloomfield Hills, MI 48302  
(248) 335-5000  
[hhertz@hertzschram.com](mailto:hhertz@hertzschram.com)  
Attorneys for Plaintiffs

Daniel D. Quick (P48109)  
Dickinson Wright PLLC  
38525 Woodward Avenue, #2000  
Bloomfield Hills, MI 48304  
(248) 433-7242  
[dquick@dickinsonwright.com](mailto:dquick@dickinsonwright.com)  
Attorneys for Defendants

---

**ORDER DENYING DEFENDANTS' MOTION FOR SUMMARY  
JUDGMENT AND DENYING OTHER PENDING MOTIONS**

WHEREAS, counsel for Plaintiffs and Defendants appeared before the Court on December 4, 2008 for oral arguments on the following motions:

1. Defendants' Revised Motion for Summary Judgment;
2. Defendants' Motion to Strike the Declaration of Patrick Sullivan;

3. Plaintiffs' Motion to Exclude Late-Produced Documents; and
4. Defendants' Motion to Bifurcate.

The Court having heard oral arguments and being fully advised in the premises:

IT IS HEREBY ORDERED as follows:

1. Defendants' Revised Motion for Summary Judgment [D/E-66] is hereby **DENIED**;
2. Defendants' Motion to Strike the Declaration of Patrick Sullivan [D/E-108] is hereby **DENIED**;
3. Plaintiffs' Motion to Exclude Late-Produced Documents [D/E-80] is hereby **DENIED**;
4. Defendants' Motion to Bifurcate [D/E-38] is hereby **DENIED**; and
5. Both parties are granted additional time for discovery regarding follow-up as to documents produced by both parties after the close of discovery and as to damages (for the avoidance of doubt, documents submitted with Court filings after the close of discovery were produced within the meaning of this Paragraph 5 if the same documents were not previously produced in discovery in this action). The final date for such discovery shall be **April 1, 2009**.

IT IS SO ORDERED.

Dated: February 24, 2009

**S/ ANNA DIGGS TAYLOR**  
U.S. DISTRICT COURT JUDGE

Approved as to form and notice of entry waived.

/s/ Howard Hertz  
Howard Hertz (P26653)  
Jay G. Yasso (P45484)  
Hertz Schram PC  
1760 South Telegraph Road, #300  
Bloomfield Hills, MI 48302  
(248) 335-5000  
[hertz@hertzschram.com](mailto:hertz@hertzschram.com)  
Attorneys for Plaintiffs

Richard S. Busch (TN BRP#14594)  
King & Ballow  
1100 Union Street Plaza  
315 Union Street  
Nashville, TN 37201  
(615) 259-3456  
[rbusch@kingballow.com](mailto:rbusch@kingballow.com)  
Attorneys for Plaintiffs

/s/ Daniel D. Quick  
Daniel D. Quick (P48109)  
Dickinson Wright PLLC  
38525 Woodward Avenue, #2000  
Bloomfield Hills, MI 48304  
[dquick@dickinsonwright.com](mailto:dquick@dickinsonwright.com)  
Attorneys for Defendants

Kelly M. Klaus  
Munger, Tolles & Olson, LLP  
355 South Grand Avenue, #3500  
Los Angeles, CA 90071-1560  
(213) 683-9238  
[kelly.klaus@mto.com](mailto:kelly.klaus@mto.com)  
Attorneys for Defendants

---

**CERTIFICATE OF SERVICE**

The undersigned certifies that the foregoing Order was served upon counsel of record via the Court's ECF System to their respective email addresses or First Class U.S. mail disclosed on the Notice of Electronic Filing on February 24, 2009.

s/Johnetta M. Curry-Williams  
Case Manager